

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JAMES CARSON,
#B04516,

Plaintiff,

v.

VIPIN SHAH, *et al.*,

Defendants.

Case No. 18-cv-01070-NJR

MEMORANDUM AND ORDER

ROSENSTENGEL, Chief Judge:

On October 2, 2019, the Clerk received a suggestion of death from Plaintiff's Counsel, Michael Schroer, informing the Court that Plaintiff James Carson is deceased. (Doc. 63). Accordingly, pursuant to Federal Rule of Civil Procedure 25(a), the Court ordered Defendants to attempt to identify and effectuate personal service upon Mr. Carson's next of kin or personal representative of his estate and provide proof to the Court that service had been achieved. (Doc. 65). Defendants identified and personally served on Mr. Carson's next of kin, Ms. Ena Carson, the suggestion of death. (Doc. 79).

Ms. Carson was given until April 12, 2020,¹ to file a motion for substitution of a party with the Court. (Doc. 80). No motion for substitution has been filed within the allotted time, and no extension has been requested. Accordingly, the Motion to Dismiss filed by Defendant Shah (Doc. 84) is **GRANTED**, and this action is **DISMISSED with**

¹ Due to Amended Administrative Order 261 and Second Amended Administrative Order 261, this deadline was extended.

prejudice. *See* FED. R. CIV. P. 25(a)(1) and 41(b).

The Clerk of Court is **DIRECTED** to close this case and enter judgment accordingly.

IT IS SO ORDERED.

DATED: June 18, 2020

The image shows a handwritten signature in black ink that reads "Nancy J. Rosenstengel". The signature is written in a cursive style. Behind the signature, there is a faint, circular official seal of the United States District Court for the District of New Jersey.

NANCY J. ROSENSTENGEL
Chief U.S. District Judge